

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 07-150
v.	*	SECTION: "R"
MILTON JONES	*	

* * *

FACTUAL BASIS

If this case were to proceed to trial, the government would prove the defendant, **MILTON JONES**, guilty beyond a reasonable doubt in a one-count indictment, which charges the defendant with the unlawful possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2). The government would establish through credible and competent witnesses and evidence the following facts.

DEFENDANT KNOWINGLY POSSESSED A FIREARM

On Tuesday, March 13, 2007, at approximately 11:40 p.m., New Orleans Police Officers Marc Boudreau and Michael DiMarco were on proactive patrol in the 3100 block of Gravier. The officers were in a fully marked police unit and dressed in full tactical uniform. The 3100 block of Gravier is a fairly illuminated section of New Orleans. As the

officers traveled up Gravier from South White, they observed a male subject later identified as Milton Jones who was standing on the passenger side of a blue SUV. As the officers got closer to Jones, they observed Jones turn away from the approaching patrol car and simultaneously place his left hand into his waistband area. They then observed Jones remove an object from his left side and discard the object to the ground. When the object landed in the grass, the officers observed a red laser beam light flash consistent with a laser sighting on a firearm. Officers Boudreau and DiMarco both got out of their police unit and walked toward the subject Jones and the discarded item. Boudreau went directly for Jones who was now near the stairs of the porch of 3119 Gravier. DiMarco went directly to the discarded item, retrieved it and immediately determined it was a handgun.

Officer Boudreau ordered Jones to stop but Jones refused and opened the door to 3119 Gravier and attempted to enter the residence. As Jones attempted to open the interior door of the residence, Officer Boudreau fired his X26 Taser striking Jones in the back and instantly causing him to fall into the main door of the home.

Officer DiMarco entered the residence with the retrieved handgun and assisted his partner with Jones. Shortly thereafter, DiMarco noticed that the firearm he recovered outside was a loaded Hi Point, Model JHP, .45 caliber semi-automatic pistol bearing serial number 445195 with an attached laser sighting. The magazine of the pistol contained seven live rounds.

As Jones was being led out of the residence, he fell to the ground complaining of extreme weakness from the Taser. While on the ground both officers observed one (1)

.45 caliber live round near his pant pocket that was the same caliber type of the live rounds found in the weapon. Officer Boudreau advised Jones of his Miranda Rights and Jones agreed to speak with the officers. Officer DiMarco questioned Jones about the ownership of the firearm. Jones stated it was for his girlfriend, Monique Cain, who lived at 3119 Gravier. Ms. Cain was asked if the firearm belonged to her and she stated it did not. Jones then stated that the firearm belonged to his brother.

**PRIOR TO THE POSSESSION OF THE FIREARM THE DEFENDANT HAD
BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT
EXCEEDING ONE YEAR.**

The officers conducted a background check on Milton Jones and discovered he was convicted on January 26, 1998 for possession of heroin in Orleans Parish Criminal District Court, Case Number: 391-675 "A". On said date, the Defendant Jones also pleaded guilty in the same case to two separate counts of the unlawful possession of firearms. As a result of the defendant's conviction, he was sentenced to ten (10) years in Louisiana Department of Corrections. Jones at the time of his March 13, 2007 arrest was on state probation and was being supervised by Louisiana State Probation Officer Stephanie Moore.

**THE FIREARM POSSESSED BY THE DEFENDANT TRAVELED IN OR
AFFECTED INTERSTATE COMMERCE**

Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agent Lawrence K. Goldsmith, who has experience and knowledge in determining the origin of firearms, would testify that the firearm that Jones possessed was not manufactured in the State of Louisiana. Based upon Goldsmith's research, he would state that the Hi-Point Model JHP .45 caliber semi-automatic pistol bearing serial number 445195 was manufactured by Hi-Point Firearms in Ohio. In order for the

firearm to be found inside the State of Louisiana that the defendant, Jones possessed on or about March 13, 2007, the firearm would have had to traveled in and thereby affected interstate commerce.

THE HI-POINT MODEL JHP, .45 CALIBER SEMI-AUTOMATIC PISTOL WAS
A "FIREARM" AS DEFINED UNDER TITLE 18, UNITED STATES CODE, SECTION
921(a)(3)

As part of the investigation into the Jones case, AFT Special Lawrence K. Goldsmith would testify he examined the Hi-Point model JHP, .45 caliber pistol and determined it is a firearm as defined under Title 18, United States Code, Section 921(a)(3).

Moreover, the defendant by signing this Factual Basis hereby agrees that the facts contained therein are true, and that all evidence introduced at trial would establish the elements of the offense and prove the defendant's guilt beyond a reasonable doubt of a violation of Title 18, United States Code, Sections 922(g)(1) and 924 (a)(2).

APPROVED AND ACCEPTED:

MILTON JONES Date _____
Defendant

GEORGE CHANEY
Attorney for Defendant

Date _____

ABRAM McGULL, II Date _____
Attorney for United States of America